

ESTTA Tracking number: **ESTTA1017067**

Filing date: **11/20/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|         |   |             |          |
|---------|---|-------------|----------|
| Name    | Wrangler Apparel Corp.  |             |          |
| Entity  | Corporation   | Citizenship | Delaware |
| Address | 3411 Silverside Road<br>Wilmington, DE 19810<br>UNITED STATES |             |          |

|                      |  |
|----------------------|--|
| Attorney information | Paul J. Kennedy<br>PEPPER HAMILTON LLP<br>3000 Two Logan Square<br>Eighteenth and Arch Streets<br>Philadelphia, PA 19103-2799<br>UNITED STATES<br>kennedyp@pepperlaw.com, mcconnells@pepperlaw.com,<br>catalant@pepperlaw.com, tierm@pepperlaw.com<br>215-981-4194 |
|----------------------|--|

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 88503557   | Publication date       | 10/29/2019 |
| Opposition Filing Date | 11/20/2019   | Opposition Period Ends | 11/28/2019 |
| Applicant              | Ameriman LLC<br>70 old stone bridge rd<br>Cos Cob, CT 06807<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|   |
|---|
| Class 025. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Hats; Shirts; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms |
|---|

### Grounds for Opposition

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act Section 2(d) |
| Other                                | Common law rights          |

### Mark Cited by Opposer as Basis for Opposition

|                                    |      |                  |      |
|------------------------------------|------|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date                  | NONE |                  |      |

|                |  |
|----------------|--|
| Word Mark      | RW   |
| Goods/Services | men's and women's jeans, pants, jackets and shorts |

|             |   |
|-------------|---|
| Attachments | Notice of Opposition - RW - Ameriman.pdf(185282 bytes ) |
|-------------|---|

|           |                   |
|-----------|-------------------|
| Signature | /Paul J. Kennedy/ |
| Name      | Paul J. Kennedy   |
| Date      | 11/20/2019        |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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|                               |   |   |
|-------------------------------|---|---|
| <b>WRANGLER APPAREL CORP.</b> | : |   |
|                               | : |   |
|                               | : | <b>Opposition No.</b>   |
|                               | : |   |
| <b>Opposer</b>                | : | <b>Mark: RW</b>   |
|                               | : |   |
| <b>v.</b>                     | : | <b>Application Serial No.: 88/503557</b>                      |
|                               | : |   |
|                               | : | <b>Published in <i>Official Gazette</i>: October 29, 2019</b> |
| <b>AMERIMAN LLC</b>           | : |   |
|                               | : |   |
|                               | : | <b>Filed: July 8, 2019</b>                                    |
| <b>Applicant</b>              | : |   |

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**NOTICE OF OPPOSITION**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Wrangler Apparel Corp., a Delaware corporation, with offices at 3411 Silverside Road, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to Ameriman LLC, a Delaware limited liability company, with an address at 70 Old Stone Bridge Road, Cos Cob, Connecticut 06807 (“Applicant”), for the mark RW (Serial No. 88/503557) in International Class 25 and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark RW for “hats; shirts; athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” in International Class 25 (“Applicant’s Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant's Mark either on July 8, 2019, the date of Applicant's filing of the intent-to-use based application, or on October 29, 2019, the date of publication in the *Official Gazette*.

3. Opposer has used at common law the trademark "RW" for men's and women's jeans, pants, jackets, and shorts, and such use has been made long before the filing of Applicant's application.

4. Because Opposer's Mark and Applicant's Mark are the same ("RW"), and will ultimately be used on the same or similar products, in the same classification, it will likely cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark RW (Serial No. 88/503557) be denied to Applicant and this opposition be sustained.

Respectfully submitted,

DATE: November 20, 2019

/Paul J. Kennedy/  
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*Attorneys for Opposer,  
Wrangler Apparel Corp.*

**CERTIFICATE OF ESTTA FILING**

I, Paul J. Kennedy, hereby certify that on November 20, 2019, this Notice of Opposition is being electronically filed with the U.S. Patent and Trademark Office Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313, via ESTTA.

/Paul J. Kennedy/

Paul J. Kennedy

**CERTIFICATE OF SERVICE**

I, Paul J. Kennedy, hereby certify that on November 20, 2019, a true and correct  
courtesy copy of the foregoing Notice of Opposition was served via electronic mail  
([Carl@AmerimanLLC.com](mailto:Carl@AmerimanLLC.com)) upon the following:

Carlton M. Higbie IV  
AMERIMAN LLC  
70 Old Stone Bridge Road  
Cos Cob, CT 06807

*Correspondent for Applicant*

/Paul J. Kennedy/  
Paul J. Kennedy